

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,  
  
Plaintiff-Appellee,

UNPUBLISHED  
April 19, 2012

v

JEANIE DOLORES WILSON,  
  
Defendant-Appellant.

No. 303375  
Wayne Circuit Court  
LC No. 10-007952-FC

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Before: MARKEY, P.J., and MURRAY and SHAPIRO, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of armed robbery, MCL 750.529, and sentenced to a prison term of 27 months to 6 years. She appeals by right. We affirm.

Defendant was convicted of committing a robbery from Shawn Hayes, whom she had been dating for two weeks. On the morning of the offense, defendant called Hayes, convinced him to delay his travel plans, picked him up in her minivan that afternoon, and then drove to a nearby park. Defendant admitted in a statement to the police that she and codefendant Oliver Johnson had previously discussed robbing Hayes at gunpoint and that, before picking up Hayes, she dropped Johnson off at the park to await their arrival. While at the park, after defendant gave a reason for exiting the van, Johnson confronted Hayes with a gun and demanded his wallet, money, the contents of his pockets, and entry into the van. Hayes gave his wallet to Johnson, who instructed defendant to enter the van and drive to different banks in order to retrieve money using Hayes's bank card. After unsuccessfully attempting to obtain money from different banks, Hayes directed defendant and Johnson to a police station that resembled a bank. Hayes then managed to escape. Johnson and defendant were arrested later that day.

**I. SUFFICIENCY OF THE EVIDENCE**

Defendant first argues that the evidence was insufficient to support her armed robbery conviction because no money was ever obtained and there was insufficient evidence of a specific intent to permanently deprive Hayes of his wallet and its contents. Defendant contends that the wallet and its contents were merely intended to be used as the means for stealing money, which never occurred.

When ascertaining whether sufficient evidence was presented at trial to support a conviction, this Court must view the evidence in a light most favorable to the prosecution and

determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). Circumstantial evidence and reasonable inferences arising from the evidence may prove of the elements of the crime. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). “[A] reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *Id.*

The elements of armed robbery are (1) the defendant was engaged in the course of committing a larceny of any money or other property, (2) the defendant used force or violence against a person who was present or assaulted or put the person in fear, and (3) the defendant, in the course of committing the larceny, possessed a real or feigned dangerous weapon or represented that she possessed a dangerous weapon. *People v Chambers*, 277 Mich App 1, 7; 742 NW2d 610 (2007). Armed robbery is a specific intent crime that also requires proof that the defendant intended to permanently deprive the victim of his property. *People v Parker*, 230 Mich App 337, 344; 584 NW2d 336 (1998). It is only that element that defendant challenges on appeal. “[M]inimal circumstantial evidence will suffice to establish the defendant’s state of mind[.]” *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

There was evidence that defendant and Johnson planned to rob Hayes and, before picking up Hayes, that defendant dropped Johnson off at the park where Johnson later confronted Hayes at gunpoint. As Hayes was sitting in the passenger seat of the van, Johnson pointed a gun at Hayes and demanded Hayes’s wallet, money, and the contents of his pockets. Hayes gave Johnson his wallet, which contained Hayes’s credit and bank debit cards. Johnson then directed defendant to drive to different banks, where unsuccessful attempts were made to obtain money from Hayes’s account.

Viewed in a light most favorable to the prosecution, the evidence that defendant and Johnson planned to rob Hayes, that defendant drove Hayes to a location where Johnson was waiting, that Johnson took Hayes’s wallet at gunpoint, and that Johnson retained Hayes’s items as the group drove to different locations in two cities, while Johnson continued to hold Hayes at gunpoint, considered together, was sufficient to enable a rational jury to find the necessary intent for armed robbery beyond a reasonable doubt. The fact that the attempts to use the stolen bank card were unsuccessful does not negate the larceny of the wallet because the crime had already been completed. Defendant ignores that the information specifically charged her with armed robbery by “committing a larceny [of Hayes’s] wallet, credit card, bank cards and checkbook.” The evidence was sufficient to sustain defendant’s conviction of armed robbery.

## II. MRE 106 – RULE OF COMPLETENESS

Defendant next argues that the admission of her written statement violated MRE 106, because the written statement did not include her prior verbal denial of any involvement in the armed robbery. Defendant acknowledges that she did not object to the admission of her written statement on this ground at trial. Therefore, the issue is unpreserved and our review is limited to plain error affecting defendant’s substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

“When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.” MRE 106. This “rule of evidence would only be pertinent if defendant sought, but was denied, permission to have a complete writing or recorded statement introduced.” *People v McGuffey*, 251 Mich App 155, 161; 649 NW2d 801 (2002).

We agree with plaintiff that MRE 106 is not implicated because defendant’s written statement was admitted in its entirety. Evidence of defendant’s prior verbal denial of any involvement in the robbery was neither recorded nor reduced to writing. Thus, there was no violation of MRE 106. Accordingly, there was no error, plain or otherwise.<sup>1</sup>

We affirm.

/s/ Jane E. Markey  
/s/ Christopher M. Murray  
/s/ Douglas B. Shapiro

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<sup>1</sup> Furthermore, there is no basis for concluding that defendant’s substantial rights were affected. After defendant’s written statement was introduced at trial, defense counsel elicited that defendant first verbally told the detective that she was not involved in the incident and that defendant’s initial denial was not included in the written statement. Upon further questioning, the sergeant explained his reasons for not including that information in the written statement. Thus, the jury was fully informed that defendant initially denied any involvement in the armed robbery.